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- (15) Violates any State, municipal, or county law, rule, or regulation on the handling, custody, care, or transportation of dead

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human bodies or the disposal of instruments, materials, and wastes relevant to preparation of a dead human body for final disposition;

...

(18) Violates any provision of this title or of the laws relating to cremation; and

...

(24) Violates any rule or regulation adopted by the Board[.]

**COMAR 10.29.19.10 Disposition of Cremated Human Remains**

A. On completion of the cremation, insofar as is possible:

(1) All of the recoverable residue of the cremation process shall be:

- a. Removed from the cremator;
- b. Except for medical devices remaining after cremation, processed; and
- c. Placed in a container[.]

...

C. After pulverization, all of the processed human remains, together with the identification disc, shall be placed in a sealable container.

...

E. If all the processed human remains and the identification disc will not fit within the dimensions of a sealable container, the remainder of the remains shall be returned to the authorizing agent, or the agent's representative, in a separate, sealable container. Container seams shall be taped.

...

H. If processed human remains have been in the possession of a permit holder, as originally authorized by the authorizing agent without instructions for disposition for a period of 10 days or more from the date of cremation, the permit holder may send the cremated human remains, using the current mailing standard approved by the U.S. Postal Service, return receipt requested, to the authorizing agent.

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**COMAR 10.29.20.02 General Professional Practices**

A. A permit holder or registered crematory operator shall:

- (1) Act in a manner that respects and protects the dignity of a decedent and the decedent's family [.]

On March 13, 2019, the Board held an evidentiary hearing in the matter before a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and the Board's regulations, COMAR 10.29.01. Michael Brown, Assistant Attorney General, Administrative Prosecutor, represented the State, and the Respondent was present and represented by counsel, Elizabeth D. McKay, Esq.

**Summary of the Evidence**

The following documents were admitted into evidence:

State's Exhibits:

1. 4/13/17 The Board's Confidential Memorandum and Investigative Information transmitted to the Office of the Attorney General, Health Occupations Prosecution and Litigation Division.
2. 12/17/17 Email from the Complainant to the Board.
3. 12/17/17 Email from the Complainant to the Board, containing seven (7) attached photographs.
4. 01/11/18 The Board's email to the Respondent.
5. 01/11/18 The Board's email to the Respondent; Board documentation of telephone call with Complainant; Respondent's response to Complaint dated 01/19/18.
6. Photographs provided by the Complainant in a 12/19/17 email.
7. 4/4/18 The Board's License Verification Information for Rosa I Turner, Registration No. RC184.
8. The Board's Permit for Heaven Bound Cremation Services, L.L.C. issued on 12/14/16;

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9/30/16 Renewal Application for Crematory Permit for Heaven Bound Cremation Services, L.L.C.; Operating Permit issued to Heaven Bound Cremation Services, L.L.C. on 1/1/15 by the Maryland Department of the Environment, Air and Radiation Management Administration; State of Maryland Department of Assessments and Taxation Certificate of Good Standing for Heaven Bound Cremation Services, L.L.C. issued on 1/18/17; 12/27/17 License Verification Information for Rosa I. Turner, Registration No. RC184.

9. 09/12/16 Respondent's Crematory Operator Registration; Respondent's Application for Crematory Operator Registration; a copy of the Respondent's passport identification; unintelligible photograph; the Respondent's Crematory Operator Certificate; the Respondent's Certificate of Completion of the Matthews Cremation Training Course; License Verification Information for Rosa I. Turner, Registration No. RC184.
10. 09/07/18 Correspondence to the Board from James J. Doyle, counsel for the Respondent.

Respondent's Exhibits:

None.

State's Witnesses:

1. David Taylor, Mortician, Frazier Funeral Home.
2. Thomas Anderson, Investigator/Inspector, Board.

Respondent's Witnesses:

1. The Respondent testified on her own behalf.

**II. FINDINGS OF FACT**

The Board makes the following Findings of Fact based upon the entirety of the record:

1. On October 1, 2016, the Board issued Registration RC184 to the Respondent to

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practice as a crematory operator in the State of Maryland. (State's Exhibit 9). The Respondent's registration is currently active and is scheduled to expire on September 30, 2020.

2. At all times relevant, the Respondent owns and operates Heaven Bound Cremation Services, L.L.C. ("HBCS"), 4445 Crain Highway, White Plains, Maryland 20695, where she is the supervisory crematory operator. (State's Exhibit 8). The Respondent's business includes cremation of human remains pursuant to agreements with funeral establishments.

3. On December 17, 2017 the Complainant contacted the Board and asked to speak with the Board's investigator. (State's Exhibit 2). On December 18, 2017, the Complainant reported to the Board investigator that he had entered the HBCS building and found cremains in two biohazard bags that were each placed in a trash receptacle. (State's Exhibit 1).

4. On December 19, 2017, the Complainant provided photographs of the aforementioned receptacles which depicted the following: (1) a lidded 10.5-gallon metal trash receptacle with a "Better Homes and Gardens" label, lined with a red bio-hazard bag containing what appeared to be cremains; and (2) a receptacle with no lid, lined with a red bio-hazard bag containing a second, closed red bio-hazard bag, on top of which, was what appeared to be cremains, on top of which, a white zippered fetal demise pouch had been placed. (State's Exhibit 6).

5. Based on the Complaint, on December 27, 2017, the Board initiated an investigation. In a letter dated January 11, 2018, the Board informed the Respondent of the Complaint and requested a response to the allegations. (State's Exhibit 5).

6. The Respondent submitted a response dated January 19, 2018 to the Board. In her answer to the allegations, the Respondent admitted that the material in the photographs included cremains that were "not properly disposed of..." The Respondent explained that prior to the

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incident, neither she nor HBCS had received “proper training” or “information...as to how to properly dispose of unwanted/excess cremains.” (State’s Exhibit 5).

7. On March 19, 2015, the Respondent successfully completed the Cremation Association of North America Crematory Operations Certification Program course (the “Course”) which consisted of six (6) hours of classroom instruction and a written examination. (State’s Exhibit 9).

8. The Respondent admitted that part of her training during the Course involved instruction on the proper disposal of cremains. (Transcript, pp. 114-115). The Respondent confirmed that she was instructed during the Course that if the cremains did not fit within an urn or container, the remainder of the cremains must be returned to the authorizing agent of the decedent in a separate container attached together with the first container. (T., p. 115).

9. The Respondent denied that the 10.5-gallon receptacle was filled with comingled cremains; but that it contained some discarded cremains. (T., p. 98). The Respondent explained that following the cremation, she pulverized and sifted the cremains. (T., p. 98). The Respondent then placed the remaining cremains that were too large to pass through the sifter into the 10.5-gallon receptacle. (T., p. 99). The Respondent admitted that “it wasn’t that many” cremains in the 10.5-gallon receptacle, that some cremains may have been comingled, and that she couldn’t say “how many could possibly be involved.” (T., pp. 98, 106-107).

10. The Respondent admitted that the material in the receptacle containing the fetal demise pouch was “excess bricks,” or concrete matter from the retort,<sup>1</sup> mixed with cremated

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<sup>1</sup> A retort is a chamber where the human remains are placed during cremation.

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remains. (T., pp. 100, 125-126).

11. The Respondent admitted that one of the receptacles containing discarded cremains also contained bio-hazard waste including a piece of paper with blood and gloves used to transport bodies. (T., p. 119). The Respondent admitted that, at the time, she felt it was "okay" to dispose of cremains in a biohazard container (T., p. 117), but that she is now aware that it is improper to dispose of cremains in a container containing biohazard waste. (T., p. 128).

12. The Respondent admitted that she did not know how many, or whose, cremains were in the two receptacles. (T., p. 114). The Respondent further admitted that she did not know whether any of the authorized agents for the decedents were aware that they did not receive a complete set of cremains. (T., p. 118).

13. The Respondent failed to follow the Course instructions she received during her March 19, 2015 training.

14. The Respondent admitted that, as of the date of the hearing, she has not disposed of the cremains. They remain in her possession in her office at the crematory. She stated that she is waiting for the Board to tell her what to do with them. (T., p. 99).

**III. CONCLUSIONS OF LAW**

The Board concludes that, based on the foregoing Findings of Fact, the Respondent violated Md. Code Ann., Health Occ. § 7-316 (15), (18) and (24) by failing to comply with the requirements of COMAR 10.29.19.10, 10.29.18.02, and COMAR 10.29.20.02 as follows:

The Respondent violated COMAR 10.29.19.10 (C), (E), and (H) by failing to place the cremated human remains in a sealable container following cremation, failing to place the remainder of the cremated remains in a separate sealable container attached to the original

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container, and failing to send the cremated remains to the authorizing agent of the decedent.

The Respondent violated COMAR 10.29.20.02 (A)(1) because by her own admission, she disposed of cremated remains in a receptacle with bio-hazard waste.

Finally, in light of the Respondent's admission at the hearing that she comingled cremains, the Board also found that the Respondent violated COMAR 10.29.18.02 (D)(6)(a) which provides "[t]here may not be ...[c]o-mingling of cremated human (sic) cremated human remains with other human or pet cremated human remains..." (sic)

**IV. ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the registration of the Respondent, Registration Number RC184, to practice as crematory operator in the State of Maryland is hereby **REPRIMANDED**; and it is further;

**ORDERED** that the Respondent shall pay to the Board a monetary fine of **FIVE THOUSAND DOLLARS AND ZERO CENTS (\$5,000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **SIX (6) MONTHS** of the effective date of this Order. Failure to pay this monetary fine in full to the Board within **SIX (6) MONTHS** of the effective date of this Order shall constitute a violation of this Order; and it is further

**ORDERED** that the registration of the Respondent, Registration Number RC184, to practice as crematory operator in the State of Maryland is hereby placed on **PROBATION** for a period of **ONE (1) YEAR**, subject to the following terms and conditions:



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1. As of the effective date of this Order, the Respondent shall not act in a supervisory capacity during the term of her probation.
2. The Respondent shall complete a Board-approved ethics course, online or in-person, within **NINETY (90) DAYS** of the effective date of this Order. The Respondent's failure to submit to the Board satisfactory evidence of the completion of the aforementioned course within **NINETY (90) DAYS** of the effective date of this Order shall constitute a violation of this Order;
3. The Respondent shall obtain, at her own expense, a Board-approved mentor (the "Mentor"), who shall supervise, in person, **TWENTY-FIVE (25)** cremations performed by the Respondent at Heaven Bound Cremation Services, L.L.C., and who shall review and consult with the Respondent concerning the Respondent's cremation operation and procedures. For purposes of satisfying this condition, the Respondent shall, within **FIFTEEN (15) DAYS** of the effective date of this Order, submit to the Board a list of at least **TWO (2)** proposed candidates to serve as the Mentor, for the Board's review and approval. These candidates shall be registered crematory operators in the State of Maryland that have been practicing continuously for the prior **FIVE (5) YEARS** and are presently in good standing with the Board.
4. The Respondent shall keep a written matrix documenting each of the twenty-five cremations which shall include the name of each decedent and a copy of the decedent's cremation authorization form. The Respondent shall submit the completed written matrix, signed, dated and notarized by the Respondent and Mentor, to the Board within **SEVEN (7) DAYS** of the conclusion of the twenty-five cremations. The Respondent

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is solely responsible for ensuring the proper and timely submission of the completed written matrix to the Board. Failure to submit a list of Mentor candidates to the Board within **FIFTEEN (15) DAYS** of the effective date of this Order; or failure to submit the completed written matrix, signed, dated and notarized by the Respondent and Mentor, to the Board within **SEVEN (7) DAYS** of the conclusion of the twenty-five cremations shall constitute unprofessional conduct and a violation of this Order.

**ORDERED** that the Respondent shall dispose of any and all of the aforementioned remaining cremated remains in the Respondent's possession in accordance with the laws of the State of Maryland; and it is further


**ORDERED** that after the **ONE (1) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board. The Board will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions, including the expiration of the entire **ONE (1) YEAR** probationary period, and there are no pending complaints against the Respondent; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Morticians and Funeral Directors Act, Md. Code Ann., Health Occ. §§ 7-101 *et seq.*, and all federal and State laws and regulations governing the practice of mortuary science in Maryland; and it is further

**ORDERED** that this is a Final Decision and Order of the Maryland Board of Morticians and Funeral Directors and, as such, is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions §§ 4-101 *et seq.*

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8-2-2019  
Date

  
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D. Lynn Newman  
President  
Maryland Board of Morticians and Funeral Directors

**NOTICE OF RIGHT TO REHEARING**

Any party aggrieved by the decision and Order rendered by the Board may apply for rehearing within ten (10) days after service of the decision and Order, as provided in COMAR 10.29.01.13. Action on the application for rehearing shall lie in the discretion of the Board. Neither the rehearing nor the application for rehearing shall stay the enforcement of the Order or excuse the persons affected by it for failure to comply with its terms.

**NOTICE OF APPEAL RIGHTS**

Any person aggrieved by a final decision of the Board under Md. Ann. Code, Health Occ. §§ 7-316 (a) may petition for judicial review within thirty (30) days of the date this Order is mailed, as provided by Md. Ann. Code, Health Occ. § 7-320, Md. Ann. Code, State Gov't § 10-222, and Maryland Rule 7-203(a)(2) ("Time for Filing Action").